

REMARKS

Applicant requests reconsideration of the application in view of the foregoing amendments and the discussion that follows. The status of the claims as of this response is as follows: Claims 20-22 and 24-35 are pending. Claims 1-19 and 23 were canceled previously. Claims 20, 22, 26 and 28 have been amended herein and claim 35 was added.

The Amendments

The specification was amended to correct obvious typographical and punctuation errors in the body of the specification and the Abstract.

Claims 20, 22 and 28 were amended to add a conjunction after step (b). However, the addition of the conjunctive should not be construed as implying any particular order of components.

Claim 26 was amended to recite in the preamble that the computer program product comprises a computer readable storage medium having a computer program stored thereon. Support therefor is in the specification, for example, in the language in the body of original claim 26, which language was canceled in light of the above amendment.

Claim 35 has been added and finds support in the specification, for example, original claim 20 and original claim 26.

Claim Objections

Claims 20, 22 and 28 were objected to for missing a conjunction. Applicant submits that the above amendments obviate this ground of rejection.

Rejection under 35 U.S.C. §112

Claims 26-28 were rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant submits that the amendments to claim 26 above obviate the rejection of claims 26-28 under the above code section. Applicant further submits that the language added to the preamble of claim 26 was already present in the body

of claim 26 as evidenced by the identical language deleted from the body of claim 26.

Rejection under 35 U.S.C. §101

Claims 26-28 were rejected under 35 U.S.C. 101 because, alleges the Office Action, the claimed invention is directed to non-statutory subject matter. The Office Action contends that the computer program product of claim 26 is not comprised on a computer readable medium.

Applicant respectfully traverses this ground of rejection. The following language was already in the body of the text of claim 26: "the computer program product comprises a computer readable storage medium having a computer program stored thereon." This language was moved to the preamble of the claim.

Rejection under 35 U.S.C. §102

Claims 26-28 were rejected under paragraph (b) of the above code section as being anticipated by Lipshutz, et al. (U.S. Patent No. 5,737,729) (Lipshutz). Applicant respectfully traverses this ground of rejection. The following language was already in the body of the text of claim 26: "the computer program product comprises a computer readable storage medium having a computer program stored thereon." This language was moved to the preamble of the claim. However, Lipshutz did not anticipate claims 26-28 as originally filed since the claims did recite that the computer program product comprised a computer readable storage medium and was, therefore, structurally and functionally interrelated to the medium. Lipshutz does not disclose or suggest such a medium.

Allowed Claims

Claims 20-22, 24, 25 and 29-34 were indicated in the Office Action to be free of the prior art. The Office Action Summary indicated that claims 20-22, 24, 25 and 29-34 were allowed.

Conclusion

Claims 20-22, 24, 25 and 29-34 were indicated in the Office Action to be free of the prior art and were allowed. Claims 26-28, and new claim 35, satisfy the

requirements of 35 U.S.C. §§ 112, 101 and 102. Allowance of the above-identified patent application, it is submitted, is in order.

Respectfully submitted,


Theodore J. Leitner
Attorney for Applicant
Reg. No. 28,319

Agilent Technologies, Inc.
Legal Department, M/S DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599